

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO

DEVI MARIA SCHMIDT, as Limited Guardian
of John Carrillo, and incapacitated person, et al.,

Plaintiffs,

v.

CIV 18-0663 KBM/LF

ANTHONY SHIFFLET, et al.,

Defendants.

**ORDER GRANTING MOTION TO PARTIALLY EXCLUDE
TESTIMONY OF ERIC CHRISTENSEN**

THIS MATTER is before the Court on the Motion to Partially Exclude the Testimony of Defendants' Expert Witness Eric Christensen Regarding Evidence in Violation of the Collateral Source Rule (*Doc. 94*) and the Notice of Completion of Briefing (*Doc. 110*), filed July 12, 2019. The Court has reviewed the motion and notes that Defendants have failed to file a written response, and the time for doing so has passed. Pursuant to Local Civil Rule 7.4(a), "[a] response must be served and filed within fourteen (14) calendar days after service of the motion." D.N.M.L.R.-Civ. 7.4(a). In addition, Local Civil Rule 7.1(b) provides that "[t]he failure of a party to file and serve a response in opposition to a motion within the time prescribed for doing so constitutes consent to grant the motion." D.N.M.L.R.-Civ. 7.1(b).

Despite Defendants' consent under the local rule, the Court has independently reviewed the contents of the motion and the circumstances of the case to determine whether it should grant Plaintiffs' motion. Because the Court believes there are adequate legal grounds upon which to grant the request, and because Defendants have not explained how the evidence that Plaintiffs seek to exclude is relevant, the Court will grant the motion.

Wherefore,

IT IS HEREBY ORDERED that Defendant's Motion (*Doc. 94*) is **granted**.


UNITED STATES MAGISTRATE JUDGE
Presiding by Consent